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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,396	05/22/2000	Sung Do	310048-499	1898

7590 12/19/2001

Oppenheimer Wolff & Donnelly LLP
2029 Century Park East 38th Floor
Los Angeles, CA 90067-3024

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/19/2001

9

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-9

Office Action Summary

Application No.
09/575,396

Applicant(s)
Do et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above, claim(s) 88-125 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47, 52-55, and 57-87 is/are rejected.
- 7) ☒ Claim(s) 48-51 and 56 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 5
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

1. Applicant's election without traverse of claims 1-87 in Paper No. 8 is acknowledged.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
3. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
4. Claims 1-2, 8-11, 13-25, 27-47, ²51-55, 57-76, 78-82 and 84-87 are rejected under 35

U.S.C. 102(e) as being anticipated by Gelsinger (5,958,536).

Gelsinger relates to a label construction comprising a liner sheet, a facestock attached to said sheet, the facestock including at least one weakened separation line defining at least a portion of perimeters of a facestock label and a facestock handle portion, the label and handle portion being removable as a unit from the liner sheet, and the handle portion being separable from the facestock label with the facestock label being adhered in a desired position on an article. The liner sheet includes at least one weakened separation line defining at least a portion of a perimeter of a liner sheet portion on the handle portion of the unit. The separation line has at least one tie (see figure-1). The elongated facestock configuration has the handle attached at an end thereof. The

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facestock is ink receptive and laminated via pressure sensitive adhesive (PSA) to the liner sheet. The construction includes a first and second facestock sheet attached to the line with a gap therebetween. As shown in figure-3, an edge of the label facestock can be unattached and free standing.

Claims 30,31,38,58,59 and 67 have not been given patentable weight because they are directed to intended use and/or are not deemed to be positive limitations.

5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claims 1-11, 17-47, 51²-53, 55 and 57-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Chigot (5,484,168).

Chigot relates to a label construction comprising a liner sheet, a facestock adhesively attached to the liner sheet, the facestock defines at least a portion of the perimeter of the label and the handle by at least one weakened separation line, the facestock label and handle being removable as a unit, and the handle is further separable from the label. As shown in figure-3, the liner includes at least one separation line to define a portion on the handle portion and the liner portion is smaller than the handle portion. The handle separation line is has at least one tie. The face stock label is of elongate configuration with the handle attached at one end. The label is printable and hence, ink receptive. The construction can have first and second facestock sheet separated by a gap and the liner includes a separation line in said gap (fig.-1). Further, the label assembly in figure-1 shows the presence of a plurality of aligned labels 12 and 7.

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The claims 30, 31,38, 58,59 and 67 have not been given any patentable weight because said claims are directed to intended use and/or one not deemed to be positive limitations.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12, 17-47, ~~51~~⁵⁴-53, 55 and 57-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chigot.

Chigot, as discussed above, fails to teach that the label includes a second handle. It would have been an obvious matter of design choice to one having ordinary skill in the art to modify Chigot to have a second handle for facilitating the label removal. Further, the second handle would constitute a mere duplication of an essential working part of the label.

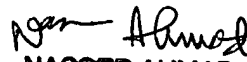
9. Claims 48-51 and 56 are free of the prior art uncovered so far. The prior art fails to teach serially connected strip portions interconnected by thin necks, each strip portion being attached to respective labels; and a thin neck portion of the facestock uncoated with liner sheet interconnect adjacent ones ^{of} the spaced holes.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


NASSER AHMAD
PRIMARY EXAMINER

Ahmad/af

December 17, 2001